

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JANAI SERENE OPAL MEEKS,

Plaintiff,

v.

BUTTE COUNTY SHERIFF'S
DEPARTMENT AND BUTTE
COUNTY JUDICIAL TEAMS,

Defendants.

Case No. 2:22-cv-00471-JDP (PC)

ORDER:

(1) DIRECTING THE CLERK OF
COURT TO ASSIGN A DISTRICT JUDGE
TO THIS ACTION

(2) GRANTING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS

ECF No. 7

FINDINGS AND RECOMMENDATIONS
THAT PLAINTIFF'S COMPLAINT BE
DISMISSED WITHOUT LEAVE TO
AMEND FOR FAILURE TO STATE A
CLAIM

ECF No. 1

FOURTEEN-DAY DEADLINE

Plaintiff, who is awaiting trial in state court, alleges that her rights were violated during her arrest when law enforcement failed to advise her of her *Miranda* rights. She also claims that her arraignment in state court was untimely. These allegations must be dismissed under the *Younger* abstention doctrine. I will also grant plaintiff's application to proceed *in forma pauperis*.

Screening Order

I. Screening and Pleading Requirements

A federal court must screen a pro se litigant's complaint. *See* 28 U.S.C. § 1915(e)(2). The court must identify any cognizable claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. §§ 1915(e)(2)(b).

A complaint must contain a short and plain statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). If the allegations "do not permit the court to infer more than the mere possibility of misconduct," the complaint states no claim. *Id.* at 679. The complaint need not identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024, 1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a set of "allegations that give rise to an enforceable right to relief." *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc) (citations omitted).

The court must construe a pro se litigant's complaint liberally. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). However, "'a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.'" *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

II. Analysis

Plaintiff alleges that she was not given a *Miranda* warning at the time of her arrest and that her arraignment on state criminal charges was untimely. ECF No. 1 at 3-4. She asks that the charges pending against her be dismissed. *Id.* at 3. Under the Supreme Court's decision in *Younger v. Harris*, 401 U.S. 37 (1971), a federal court is prohibited from enjoining ongoing state criminal proceedings absent a showing of "extraordinary circumstances." 401 U.S. at 43-54. Such circumstances exist only where "the threat to the plaintiff's federally protected rights . . . cannot be eliminated by his defense against a single criminal prosecution." *Id.* at 46. Plaintiff has not identified any reason why the issues that he wishes to raise in this court cannot be raised in state court.

I find that leave to amend is unwarranted. This court must abstain from considering plaintiff's claims and nothing, short of changing the fundamentals of her allegations, could result in a viable complaint.

It is ORDERED that:

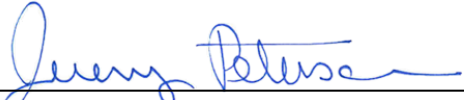
1. Plaintiff's application to proceed *in forma pauperis*, ECF No. 7, is GRANTED.
2. The Clerk of Court is directed to assign a district judge to this action.

Further, I RECOMMEND that Plaintiff's complaint, ECF No. 1, be dismissed without leave to amend for failure to state a claim.

These recommendations will be submitted to the U.S. district judge presiding over the case under 28 U.S.C. § 636(b)(1)(B) and Local Rule 304. Within fourteen days of the service of these findings and recommendations, plaintiff may file written objections with the court. That document must be captioned "Objections to Magistrate Judge's Findings and Recommendations." The presiding district judge will then review the findings and recommendations under 28 U.S.C. § 636(b)(1)(C).

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2 IT IS SO ORDERED.

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4 Dated: July 18, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE